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Advice to the Minister

NATION-TO-NATION RELATIONSHIP

TOPIC: Through the Prime Minister's mandate letters to Ministers, an expectation was created for the Government to build a meaningful nation-to-nation relationship with Indigenous people.

CONTEXT: Financial commitments are required for supporting work on the nation-to-nation relationship.

PROPOSED RESPONSE:

- **The Government of Canada remains committed to renewing the relationship between Canada and Indigenous peoples. This relationship will be based on respect, cooperation, and partnership.**

- **The Prime Minister has indicated that no relationship is more important than the one with Indigenous people.**

- **A renewed nation-to-nation relationship is a political goal, but it reflects a history of Crown/Indigenous relations that finds its modern legal articulation in a purposive interpretation of section 35 of our Constitution.**

- **Nation-to-nation relations are not a revolutionary break with our legal and constitutional order, but an evolution closer to the promise of section 35 outlined in jurisprudence from the Supreme Court of Canada.**

- **Reconciliation will be a multi-generational journey requiring hard work and compromise by Indigenous nations and public institutions.**

BACKGROUND:

The Government has committed to a renewed nation-to-nation relationship with Indigenous nations. The concept in practice must mean meaningful change in the way government interacts with Indigenous Canadians on matters of mutual concern. A new approach has to be sufficiently flexible to deal with the different needs, capacities, and aspirations of First Nations, Metis, and Inuit peoples.

The Government's policy goal operates within the legal and constitutional order of Canada, which reflects the interplay of past political choices and guidance from the courts on the Crown/Indigenous relationship. Meaningful change in the relationship will take time and ongoing effort and accommodation on both sides: Indigenous and non-Indigenous. The concept has to be more than an aspiration about a distant future, and should lead to tangible outcomes in the near term which benefit all Canadians.

The concept of nation-to-nation relations reflects the earliest interactions of indigenous peoples with European colonial powers based on mutual recognition, respect, and support; however, the concept needs a modern expression within Canada. Canada uniquely modernized its Constitution in 1982 to reflect a confident, inclusive, just country that respects diversity with balance for individual and collective rights. In particular, section 35 recognizes Aboriginal peoples and provides protection for their rights. The inclusion of section 35 is a turning point in Canadian history.

The Supreme Court of Canada (SCC) has long stated that section 35 calls for a "just settlement for Aboriginal peoples." To this end, the SCC has suggested adopting a broad view of section 35 and its promise of a more balanced relationship between the Crown and Indigenous peoples.

An influencing factor is the Government's commitment to the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). The UNDRIP frames a modern relationship between Indigenous peoples and States based on:

- Recognition of the inherent human rights of Indigenous peoples;
- Respect for those rights in the way States interact with Indigenous peoples by including them in decision-making processes;
- Cooperation between Indigenous peoples and States to find a modern expression of their relations in ways which meet the interests of all citizens; and
- Partnership between Indigenous peoples and States to promote the enjoyment of basic human rights necessary for dignity and well-being.

The UNDRIP should be viewed as a contextual tool to help understand the promise of section 35, but not supplanting the primary role of our constitutional order to achieve section 35 solutions. **s.69(1)(g) re (e)**

As part of the Government's commitment to the nation-to-nation relationship, these ministers will want to show that they were engaged as partners and how Indigenous interests were taken into account over and beyond normal consultation. In addition, the nation-to-nation relationship can unfold similarly in litigation, regulatory decisions, and claims processes.

The ultimate destination of reconciliation will take generations, but it is essential to find early opportunities that translate the concept into concrete changes to give Canadians a sense of where we are headed as a country, and to begin building or restoring trust among Indigenous Canadians in the country's public institutions.

Prepared by: Diana Kwan	**Approved by: Paul Shenher**
Date: March 1, 2016	**Date: March 2, 2016**

Advice to the Minister

VICTIM SURCHARGE

TOPIC: Review of the 2013 *Criminal Code* amendments that made the payment of the victim surcharge mandatory in all cases in light of *Charter* challenges.

CONTEXT: Since the coming into force on October 24, 2013, of former Bill C-37, the *Increasing Offenders' Accountability for Victims Act*, S.C. 2013, c.11, the victim surcharge provisions have been the subject of numerous Charter challenges. You have been tasked through your mandate letter to review sentencing reforms over the past decade, which includes the 2013 reforms to the victim surcharge provisions.

PROPOSED RESPONSE:

- **The victim surcharge has been available since 1989 and has been mandatory since 2000, although judges had discretion to waive the surcharge in cases where payment would cause undue hardship to the offender or their dependants.**

- **The 2013 amendments, which repealed the judicial discretion to waive the victim surcharge for offenders who are unable to pay, have given rise to numerous Charter challenges.**

- **In keeping with my mandate to review sentencing reforms over the past decade, my officials are examining cases involving the victim surcharge with a view to balancing the objectives of the victim surcharge and the ability of offenders to pay.**

BACKGROUND:

The victim surcharge is an additional penalty automatically imposed on an offender at the time of sentencing. It is designed to promote a sense of responsibility in offenders and an acknowledgement of the harm done to victims and the community. All federal victim surcharge money collected is used by the province or territory where the crime occurred to help fund their services to victims of crime. Many jurisdictions rely heavily on this revenue to fund effective services for victims of crime.

The victim surcharge was first enacted in 1989 as the "victim fine surcharge." In 2000, the *Criminal Code* was amended to rename it to "victim surcharge," to set the surcharge at fixed amounts and to make its application mandatory. Nevertheless, sentencing judges had the discretion to waive the victim surcharge when it could be demonstrated that payment would cause undue hardship to the offender or their dependents.

In response to concerns that the courts were at times routinely applying the waiver without considering the ability of the offender to pay, in 2013 former Bill C-37 (S.C. 2013 c.11) eliminated the waiver provisions making the victim surcharge mandatory in all cases without exception. It also doubled the surcharge from 15% to 30% of any fine imposed on the offender. Where no fine is imposed, the surcharge was doubled to $100 for summary conviction offences and $200 for indictable offences. It also provided that offenders who are unable to pay the surcharge may be able to participate in a provincial fine option program.

Litigation

The removal of judicial discretion to waive the victim surcharge has given rise to numerous Charter challenges. The majority of these cases involve challenges to the mandatory application of the victim surcharge provisions in the absence of a waiver for impecunious offenders under section 12 (cruel and unusual punishment) of the Charter.

Departmental officials have been consulted on at least 30 cases currently being considered by the courts, although the surcharge provisions have been at issue in hundreds of cases. The majority of these 30 cases involve Charter challenges to the victim surcharge provisions, particularly the absence of a waiver, under sections 7, 12, and 15 of the Charter. The Public Prosecution Service of Canada is intervening at the Ontario Court of Appeal (OCA) level in five cases where the appellants ask the OCA to declare the victim surcharge provisions invalid and overturn the lower court decisions where the validity of the victim surcharge was upheld. The hearings dates have not been set so far. Courts that have upheld the victim surcharge provisions to date have relied heavily on a Supreme Court of Canada decision (*R. v. Wu*, [2003] 3 S.C.R. 530 at 536), which held that genuine inability to pay cannot be grounds for incarceration (paragraph 734.7(1)(b)(ii) of the *Criminal Code*).

On November 13, 2015, the Prime Minister directed you to conduct "a review of the changes in our criminal justice system and sentencing reforms over the past decade with a mandate to assess the changes, ensure that we are increasing safety of our communities, getting value for money, addressing gaps, and ensuring that current provisions are aligned with the objective of the criminal justice system." Potential amendments made to the federal victim surcharge provisions fall within the ambit of this review, which is ongoing.

Prepared by: Stéphanie Bouchard	**Approved by: Donald K. Piragoff**
Date: March 2, 2016	**Date: March 2, 2016**

Advice to the Minister

CREDIT FOR PRE-SENTENCING CUSTODY

TOPIC: Possible legislative reforms to the credit for pre-sentence custody regime in the *Criminal Code*.

CONTEXT: This note discusses the potential ways forward on legislative reforms to the credit for pre-sentence custody regime.

PROPOSED RESPONSE:

- **I have been directed to conduct a broad review of the criminal justice system and sentencing reforms introduced over the past decade.**

- **Credit for pre-sentence custody is one area of sentencing law that has been identified for review and possible legislative reform.**

- **The constitutionality of portions of the credit for pre-sentence custody regime is currently before the Supreme Court of Canada, in *R v Safarzadeh-Markhali* (argued on November 4, 2015).**

- **It is important to consider the decision before deciding whether potential legislative reform options should be explored.**

BACKGROUND:

Current Pre-sentence Custody Regime

In determining the sentence to be imposed on a person convicted, subsection 719(3) of the *Criminal Code* provides, as a general rule, that the Court shall limit any credit for pre-sentence custody to a maximum of one day for each day an offender has spent in pre-sentence custody.

Subsection 719(3.1) of the *Criminal Code* permits a court to award enhanced credit of up to 1.5 days for every day spent in pre-sentence custody if the circumstances justify it. However, enhanced credit is expressly not permitted in two situations: (1) where the offender was detained in custody primarily because of a previous conviction (previous conviction exception); or (2) where the offender was detained in custody because of a breach of bail conditions or because there are reasonable grounds to believe that the offender committed an indictable offence, while on bail (breach of bail exception).

Case law

In *R v Safarzadeh-Markhali*, an appeal from the Ontario Court of Appeal, the Supreme Court of Canada is currently seized with determining three legal questions: (1) whether proportionality in the sentencing process is a principle of fundamental justice under section 7; (2) whether the criminal record exception violates section 7 of the Charter for failing to comply with the established principles of fundamental justice protecting against an arbitrary, overbroad, or grossly disproportionate interference with the right to life, liberty, or security of the person; and, (3) whether the section 7 Charter violation, if found, can be justified under section 1. The case was heard on November 4, 2015, and the decision is under reserve.

Most recently, the Manitoba Court of Appeal, in *R v Kovich* and *R v Bittern* (heard on February 9, 2016), has found that the previous conviction and breach of bail exceptions violate section 7 of the Charter (right to liberty) and cannot be saved as a reasonable limit under section 1. The Manitoba Court of Appeal found no real distinction between the impugned exceptions. The Court reasoned that both limits allow the outcome of a bail decision to dictate the length of the custodial portion of an offender's sentence. The Court concluded, among other things, that this effect was unconstitutional because the inability to obtain bail, which is more likely for vulnerable and impoverished offenders, is irrelevant to the determination of a fit and proportionate sentence.

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Prepared by: Andrew Di Manno **Date: March 2, 2016**	**Approved by: Donald K. Piragoff** **Date: March 2, 2016**

Annex *(Responsive TPs)*

[If asked whether the Government will seek leave to appeal in R v Bittern and R v Kovich]

- **The February 9, 2016 decision of the Manitoba Court of Appeal found portions of subsection 719 (3.1) of the *Criminal Code* unconstitutional.**

- **While we have not yet decided whether to seek leave to appeal these decisions to the Supreme Court of Canada, I know that they raise many of the same legal issues as the *Safarzadeh-Markhali* case that is currently on reserve before the Supreme Court of Canada.**

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Advice to the Deputy Minister

IMPLICATIONS OF THE BRITISH COLUMBIA SUPREME COURT COASTAL FIRST NATIONS DECISION FOR QUEBEC INJUNCTION APPLICATION – ENERGY EAST PIPELINE

TOPIC: Quebec seeks an injunction to force Trans Canada Pipeline Limited (TCPL) to submit the Energy East Pipeline Project (EEP) for review under the Environmental Quality Act (EQA) of Quebec. TCPL believes that EQA does not apply to EEP on constitutional (division of powers) grounds. The Coastal First Nations (CFN) decision of the British Columbia Supreme Court (BCSC) reached a different conclusion.

CONTEXT: In light of the CFN decision, the Minister may be asked to set out Canada's view of the law relating to reviews of interprovincial pipelines, and the impact of the Quebec injunction application on the review of EEP.

PROPOSED RESPONSE:

- **We are aware of Quebec's injunction application.**
- **We are also aware of the Coastal First Nations decision of the British Columbia Supreme Court.**
- **The Coastal First Nations case was about an interprovincial pipeline. The Court confirmed that the provincial environmental assessment process could not be used to frustrate the *National Energy Board Act*.**
- **The Energy East Pipeline is an interprovincial pipeline that will undergo a federal review by the National Energy Board.**
- **Once the National Energy Board review has concluded its review, it is required to make a recommendation to the Governor in Council on whether or not the project should be approved.**

- **Canada is following the matter closely.**

BACKGROUND:

On March 1, 2016, the Quebec government filed an injunction application to compel Trans-Canada Pipeline Limited (TCPL) to participate in Quebec's environmental assessment (EA) process by submitting the Energy East Pipeline project (EEP) for review under the *Environmental Quality Act* (EQA) of Quebec. TCPL had previously ignored written requests from the Quebec Minister to participate in the Quebec EA process, arguing that Quebec had no authority with respect to interprovincial pipelines. Quebec's decision to seek an injunction may have been precipitated by a similar action taken earlier by a large Quebec environmental organization (CQDE).

The EEP is subject to federal review by the National Energy Board (NEB). In addition, TCPL is participating voluntarily in an "inquiry" ordered by Quebec under a separate provision of the EQA. TCPL says that Quebec has no authority to require TCPL's participation in the more formal environmental assessment (EA) process under the EQA, which, like the British Columbia (BC) legislation, purports to have the capacity to deny approval to the project.

The *National Energy Board Act* (NEBA) gives Canada ultimate approval authority for interprovincial pipelines. This has led some proponents to believe that there is no role to be played by provinces in the environmental assessment of those portions of an interprovincial pipeline that falls within a province's borders.

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[redacted]

Canada is not a party to the Quebec injunction application. TCPL has publicly advised that they intend to file a Notice of Constitutional Question that will put their views of the law before the Quebec Court. That Notice has not yet been filed. Assuming it is filed, Canada will have to decide whether and how to respond.

Canada has not made any public declaration of its legal views, given the sensitivity of the matter.

Prepared by: John Pratt, NRCan LSU	**Approved by: Francisco Couto**
Date: March 8, 2016	**Date: March 8, 2016**

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Speaking Notes for

The Honourable Jody Wilson-Raybould, PC, MP
Minister of Justice and Attorney General of Canada

For the
Appearance Before Committee to discuss the Main Estimates
2016-2017

Ottawa, ON: March 24, 2016

Check against delivery

1328 words, or 11.07 minutes based on 120 wpm

Thank you, Mr. Chairman.

I am pleased to appear before the members of the Committee to answer questions regarding the items in the 2016-2017 Main Estimates, and to acknowledge the territory of the Algonquin people.

Joining me today are William Pentney, Deputy Minister of Justice and Deputy Attorney General; Pierre Legault, Associate Deputy Minister; Carol Morency, Director General and Senior General Counsel from Policy Sector; and Marie-Josée Thivierge, Assistant Deputy Minister, Management Sector and Chief Financial Officer.

Earlier this month, Deputy Minister Pentney attended a meeting of this very committee to discuss the Supplementary Estimates (C). I understand that during that meeting he gave an overview of the history, mandate, and work of the Department of Justice.

Given that you now are already familiar with the business lines of the Department, today I would like to talk to you about what I hope to accomplish in my new role, and my vision of how the Department of Justice will help contribute to the vision of an improved justice system with the funds presented in these 2016-2017 Main Estimates.

Through the 2016-17 Main Estimates, the Department requested a total budgetary authority of $678.9 million. This represents an increase of $4.99 million from the 2015–16 Main Estimates. Of this total authority, $400.5 million will be dedicated to ensuring a fair, relevant and accessible Canadian justice system – one of the Department's strategic outcomes. Most of this funding is directed to provinces and territories in support of the stewardship of the Canadian legal framework.

In addition, as the primary legal services provider for the government, the Department is seeking $199.6 million to continue to effectively support government programs.

Mr. Chairman, one of my primary roles is to ensure that there is respect for the rule of law and that the Charter of Rights and Freedoms is upheld. This was key in my mandate letter from the Prime Minister.

Mr. Chairman, equally important to me is ensuring that all Canadians have access to a fair, modern and efficient justice system. Earlier this week, the government revealed its spending plan for 2016-2017, which contains measures that will help Canadians assert their rights and provide disadvantaged Canadians access to our justice system.

To accomplish this, Budget 2016 proposes to provide an additional $4 million per year for the Aboriginal Courtworker Program, which assists Indigenous peoples moving through the criminal justice system to better understand their rights and the nature of the charges against them. It also helps those involved in administering the criminal justice system to overcome language and cultural barriers when dealing with Indigenous people and to better appreciate the socio-economic circumstances that they face.

In addition, the government plans to reinstate the Court Challenges Program and provide $12 million over five years in financial assistance for individuals and groups who wish to clarify their language and equality rights in Canada's courts. When combined with existing federal investments, total funding would be $5 million annually.

Budget 2016 also provides $88 million over five years to increase funding in support of the provision of criminal legal aid in Canada, as well as $7.9 million over five years to the Courts Administration Service to invest in information technology infrastructure upgrades to safeguard the efficiency of the federal court system.

Mr. Chairman, improving partnerships with provincial, territorial, and municipal governments, as stated in my mandate letter, is "essential to deliver the real, positive change that we promised Canadians."

To that end, I met my provincial and territorial justice and public safety colleagues earlier this year, in January. I believe that that meeting has allowed us to establish the partnerships we will draw on over the coming months and years, in order to create meaningful differences in the lives of Canadians.

Canada's continued success absolutely depends on including multiple voices as we re-evaluate our approach to important legislative matters such as marijuana legalization and regulation, and reforming our criminal justice system.

This work requires a true partnership between the federal government and the provinces and territories, which can only be achieved by sitting down together and engaging in an open and continuous dialogue, sharing our knowledge and bringing a range of perspectives to the table.

However, perhaps the most challenging but most necessary area we need to focus on is rebuilding the nation-to-nation relationship that lies at the heart of Canada. The importance of this relationship to me and to this nation cannot be overstated.

As you know, this is a priority for this government, and we are working to find long-term solutions, in full partnership with Indigenous peoples, as we develop a new framework for reconciliation based on recognition and respect.

Mr. Chairman, in Canada, there is an unacceptable overrepresentation of Indigenous women and girls who go missing, or who become victims of violence. In line with our commitment to launch a national inquiry into this matter, Budget 2016 would allocate $40 million over two years to support this important work.

Along with working with my colleagues on this inquiry, the Department of Justice, through its Main Estimates allocations for 2016-2017, will be allocating $1.98 million to the Government's Action Plan to Address Family Violence and Violent Crimes Against Indigenous Women and Girls, as stated in the Main Estimates.

By providing important support for projects to break cycles of violence, and culturally responsive victim services, this program will help to make Canada more just and inclusive for Indigenous people.

Mr. Chairman, as the steward of the Canadian justice system, I take my responsibilities and accountabilities in this role very seriously. As a government we have begun to re-examine what we do, why we do it and how we can measure success. We are identifying what is working, what is not working, and how we can best change it.

The government intends to work in an open and transparent way with all its partners, to create an environment that will position us to achieve the best possible solutions on these and other issues that affect the lives of all Canadians. For example, as mentioned in Budget 2016, there are plans for consultations on a framework for the legalization of marijuana, with special emphasis on how to keep marijuana out of the hands of children and youth.

Mr. Chairman, my mandate letter also tasks me to review Canada's litigation strategy. As part of this review, I have already either discontinued appeals or I am reconsidering the Crown's position in many cases. This will ensure that the Government's litigation positions are evidence- and principle-based, as well as consistent with the Charter, our commitments, and our values as Canadians.

Mr. Chairman, to return to the subject of the 2016-2017 Main Estimates, this funding will help our Department continue to provide the funding to programs such as the Victims Fund, the Youth Justice Fund and the Aboriginal Justice Strategy that fulfill our mandate to ensure a fair and accessible justice system for all Canadians.

Finally, the Department of Justice is investigating ways to be more efficient. That includes constantly reviewing the effectiveness of our own business practices and systems. I am pleased to report today that through our ongoing legal services review, we have decreased our budgetary request this year by $3.36 million.

Mr. Chairman, as I said earlier, I am truly honoured to be the Minister of Justice and the Attorney General of Canada at this incredibly important period in our history, and to do my part to give back to Canada through public service.

By continuing to report on our progress and to demonstrate openness and transparency in this matter and others, my Department is helping to contribute to improving our justice system. We believe this will lead to better collaboration, better government, and greater success for Canada and Canadians.

To conclude, I would like to thank you and your committee members for your important work, and for this opportunity to make these opening remarks.

Gilakas'la. Thank you. I now look forward to taking your questions.

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Webley, Tim

From: Baker, Christine
Sent: July-07-16 1:16 PM
To: Matte, Daniel
Subject: [redacted]
Attachments: [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

Christine Baker
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s.21(1)(a)
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From: Ministerial Liaison Unit
Sent: Friday, April 22, 2016 3:07 PM
To: Baker, Christine; Budgell, Alexandra
Cc: Leclerc, Caroline; Keesickquayash, Ralph (CIC); * MLU Group; Diotte, Michelle; Lafleur, Eric; Legault, Yanike; Ministerial Liaison Unit; Poliquin, Stéphanie; Rousselle, Sonia
Subject: [redacted]

Bonjour,

Please be advised that the above-referenced briefing note was approved by the Deputy Minister's office and submitted to the Minister's office on April 22, 2016, **for information.**

Attached for your reference and file is the final e-versions.

Please do not hesitate to contact MLU at MLU-ULM@justice.gc.ca should you have any questions or concerns.

Kindly,

Isabelle Ethier
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FOR INFORMATION

2016-008149

MEMORANDUM FOR THE MINISTER

United States War Resisters: Litigation Update

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613-437-6742
~~April 21, 2016~~

[redacted]

Department of Justice Canada | Ministère de la Justice Canada

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FOR INFORMATION
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COTE DE SECURITE/SECURITY CLASSIFICATION: Protected B - Solicitor-Client Privilege

TITRE/TITLE: United States War Resisters: Litigation Update

[redacted]

Soumis par (secteur)/Submitted by (Sector): Public Safety, Defence and Immigration

Responsable dans l'équipe du SM/Lead in the DM Team: Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by: Matt Ignatowicz

Soumis au CM/Submitted to MO: April 22, 2016

Department of Justice Canada | Ministère de la Justice Canada

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FOR INFORMATION

2016-008149

MEMORANDUM FOR THE MINISTER

United States War Resisters: Litigation Update

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FOR INFORMATION
NUMERO DU DOSSIER/FILE #: 2016-008149
COTE DE SECURITE/SECURITY CLASSIFICATION: Protected B - sSolicitor-client Client privilegePrivilege

TITRE/TITLE: United States War Resisters –: Litigation Update

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Advice to the Minister

NATION-TO-NATION RELATIONSHIP

TOPIC: Through the Prime Minister's mandate letters to Ministers, an expectation was created for the Government to build a meaningful nation-to-nation relationship with Indigenous people.

CONTEXT: Financial commitments are required for supporting work on the nation-to-nation relationship.

PROPOSED RESPONSE:

- **The Government of Canada remains committed to renewing the relationship between Canada and Indigenous peoples. This relationship will be based on respect, cooperation, and partnership.**
- **The Prime Minister has indicated that no relationship is more important than the one with Indigenous people.**
- **Canada and its Indigenous peoples have a constitutional relationship. It is to this end that the Supreme Court of Canada has encouraged a purposive or expansive view of section 35 and a promise of a balanced relationship between the Crown and Indigenous peoples. Nation-to-nation relations are not a revolutionary break with our legal and constitutional order, but an evolution closer to fulfilling the promise of section 35.**
- **How we move forward is rooted in section 35, and living up to the vision our Constitution has set out for us is important for the growth and prosperity of our society.**
- **Reconciliation will be a multi-generational journey requiring hard work and compromise by Indigenous nations and public institutions.**

s.69(1)(g) re (e)

BACKGROUND:

The Prime Minister's mandate letters to Ministers prioritize a "renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership".

This commitment plays out across all government operations and forms the basis for policy renewal which intersect with Indigenous interests. These include litigation positions, approvals of major projects, how engagement on policy and legislative reform is approached, as well as the many operational interactions the federal government has with Indigenous people and their interests. Such decisions will serve, intentionally or not, as indicators of the Government's direction on the renewed relationship. In addition, it is evident that Indigenous issues have a strong and growing horizontality across multiple government operations. The challenge is providing guidance in a broad operational environment where Indigenous expectations are high and where the law continues to evolve (SCC's decision on CAP Daniels). Combined with a short time horizon for government to make decisions in a number of areas, there is a critical need for a concerted effort among ministers and their departments to bring a common theme to government interactions with Indigenous peoples.

To support government-wide efforts, Justice Canada formed a Task Force on Constitutional Relations with Indigenous Nations to support government departments in fulfilling their commitment to a renewed relationship by providing guidance from a legal perspective.

While a renewed nation-to-nation relationship is a political goal, it reflects a long constitutional history of Crown/Indigenous relations. Nation-to-nation relations are not a revolutionary break with our legal and constitutional order, but an evolution closer to the promise of section 35 of our Constitution, as outlined in jurisprudence from the Supreme Court of Canada. Its aim is a Crown/Indigenous relationship based on mutual recognition, respect, cooperation, and partnership, in the context of an inclusive, just and respectful society.

To support the Government's inclusive vision of our society, the Task Force is proposing a generous, purposive reading of section 35 based on the honour of the Crown, and inspired by international norms and standards. A purposive reading will allow us to fulfil our legal duties, but also encourage other government departments to look for policy-based ways to actively manage the Crown's side of its relationship with Indigenous peoples. In doing so, the Government should be equipped by a combination of policy-based and legal duty-based actions to take a proactive, flexible, and integrated approach to Indigenous peoples.

The Government's vision of a constitutional relationship with Indigenous nations logically leads to an end-state where Confederation means self-governing, self-determining Indigenous nations fully participating in cooperative federalism. Achieving this vision will require the development and acceptance of foundational principles rooted in s.35 to guide and inform each department's operations and activities.

Putting the principles into practice implies putting a s. 35 lens on how Justice lawyers identify issues, analyse problems, develop solutions and how we work with client departments. In addition to articulating the legal underpinnings to help shift the culture to focus on s. 35, Justice will work with other government departments to identify early opportunities as signals of meaningful change by reviewing the litigation inventory to provide operational advice and by supporting the review of policy and regulatory reform.

The ultimate destination of reconciliation will take generations, but it is essential to find early opportunities that translate the concept into concrete changes to give Canadians a sense of where we are headed as a country, and to begin building or restoring trust among Indigenous Canadians in the country's public institutions.

Prepared by: Diana Kwan **Date: May 3, 2016**	**Approved by: Pam McCurry, ADM - AAP** **Date: May 3, 2016**

Advice to the Minister

VICTIM SURCHARGE

TOPIC: Review of the 2013 *Criminal Code* amendments that made the payment of the victim surcharge mandatory in all cases in light of multiple Charter challenges.

CONTEXT: Since the coming into force on October 24, 2013, of former Bill C-37, the *Increasing Offenders' Accountability for Victims Act*, S.C. 2013, c.11, the victim surcharge provisions have been the subject of numerous Charter challenges. You have been tasked through your mandate letter to review sentencing reforms over the past decade, which includes the 2013 reforms to the victim surcharge provisions.

PROPOSED RESPONSE:

- **The victim surcharge has been available since 1989 and has been mandatory since 2000, although judges had discretion to waive the surcharge in cases where payment would cause undue hardship to the offender or their dependants.**

- **The 2013 amendments, which repealed the judicial discretion to waive the victim surcharge for offenders who are unable to pay, have given rise to numerous Charter challenges.**

- **My mandate includes a review of sentencing reforms over the past decade, including the victim surcharge, with an overarching objective of ensuring that the rights of all Canadians are protected, while demonstrating the greatest possible commitment to respecting the Charter.**

BACKGROUND:

The victim surcharge is an additional penalty automatically imposed on an offender at the time of sentencing. It is designed to promote a sense of responsibility in offenders and an acknowledgement of the harm done to victims and the community. All federal victim surcharge money collected is used by the province or territory where the crime occurred to help fund their services to victims of crime. Many jurisdictions rely heavily on this revenue to fund effective services for victims of crime.

The victim surcharge was first enacted in 1989 as the "victim fine surcharge." In 2000, the *Criminal Code* was amended to rename it to "victim surcharge," to set the surcharge at fixed amounts and to make its application mandatory. Nevertheless, sentencing judges had the discretion to waive the victim surcharge when it could be demonstrated that payment would cause undue hardship to the offender or their dependents.

In response to concerns that the courts were at times routinely applying the waiver without considering the ability of the offender to pay, in 2013 former Bill C-37 (S.C. 2013 c.11) eliminated the waiver provisions making the victim surcharge mandatory in all cases without exception. It also doubled the surcharge from 15% to 30% of any fine imposed on the offender. Where no fine is imposed, the surcharge was doubled to $100 for summary conviction offences and $200 for indictable offences. It also provided that offenders who are unable to pay the surcharge may be able to participate in a provincial fine option program.

Litigation

The removal of judicial discretion to waive the victim surcharge has given rise to numerous Charter challenges. The majority of these cases involve challenges to the mandatory application of the victim surcharge provisions in the absence of a waiver for impecunious offenders under section 12 (cruel and unusual punishment) of the Charter. The Ontario Court of Appeal (OCA) will be hearing appeals in four cases where the appellants have asked the OCA to declare the victim surcharge provisions invalid and overturn the lower court decisions where the validity of the victim surcharge was upheld. The hearings dates have not been set so far. Courts that have upheld the victim surcharge provisions to date have relied heavily on a Supreme Court of Canada decision (*R. v. Wu*, [2003] 3 S.C.R. 530 at 536), which held that genuine inability to pay cannot be grounds for incarceration (paragraph 734.7(1)(b)(ii) of the *Criminal Code*).

On November 13, 2015, the Prime Minister directed you to conduct "a review of the changes in our criminal justice system and sentencing reforms over the past decade with a mandate to assess the changes, ensure that we are increasing safety of our communities, getting value for money, addressing gaps, and ensuring that current provisions are aligned with the objective of the criminal justice system." Potential amendments made to the federal victim surcharge provisions fall within the ambit of this review, which is ongoing.

Prepared by: Stéphanie Bouchard	**Approved by: Donald K. Piragoff**
Date: May 3, 2016	**Date:**

Advice to the Minister

IMPLICATIONS OF THE BRITISH COLUMBIA SUPREME COURT COASTAL FIRST NATIONS DECISION FOR QUEBEC INJUNCTION APPLICATION – ENERGY EAST PIPELINE

TOPIC: The impact of the January 13, 2016 *Coastal First Nations* decision of the British Columbia Supreme Court on the review of the Energy East Pipeline project under the Quebec *Environmental Quality Act*.

CONTEXT: On March 1, 2016, the Quebec government sought an injunction to compel Trans-Canada Pipeline Limited (Trans-Canada) to submit the Energy East Pipeline (an inter-provincial pipeline) for environmental assessment under the Quebec *Environmental Quality Act*. Trans-Canada and Quebec recently resolved their differences and Trans-Canada has agreed to have the pipeline assessed under the *Environmental Quality Act*.

PROPOSED RESPONSE:

- **A decision of the British Columbia Supreme Court suggests that inter-provincial pipeline projects, such as the Energy East Pipeline, must comply with provincial environmental assessment processes.**
- **However, the Court also confirmed that the provincial process cannot be used to frustrate the *National Energy Board Act*.**
- **Valid provincial laws can apply to interprovincial undertakings like pipelines to the extent that they do not frustrate the federal government's jurisdiction over interprovincial pipelines.**
- **The Energy East Pipeline will undergo a federal review by the National Energy Board.**

- **Once the National Energy Board has concluded its review, it must make a recommendation to the Governor in Council on whether or not the project should be approved.**
- **Canada is following the matter closely.**

BACKGROUND:

On March 1, 2016, the Quebec government filed an injunction application to compel Trans-Canada Pipeline Limited (TCPL) to submit the Energy East Pipeline project (EEP) for review under Quebec's *Environmental Quality Act* (EQA). TCPL had previously ignored written requests from Quebec to do so, arguing that Quebec had no authority over interprovincial pipelines. Quebec's decision to seek an injunction may have been precipitated by a similar action taken earlier by a large Quebec environmental organization, the Centre québécois du droit de l'environnement (CQDE).

The EEP is subject to federal review by the National Energy Board (NEB). In addition, TCPL is participating voluntarily in an "inquiry" ordered by Quebec under a separate provision of the EQA. TCPL had been of the view that Quebec has no authority to require TCPL's participation in the more formal provincial environmental assessment (EA) process under the EQA, which, like the British Columbia (BC) legislation, purports to have the capacity to deny approval to the project.

The *National Energy Board Act* (NEBA) gives Canada ultimate approval authority for interprovincial pipelines. This has led some proponents to believe that there is no role to be played by provinces in the environmental assessment of those portions of an interprovincial pipeline that fall within a province's borders.

[redacted] s.23

Canada was not a party to either the CQDE or Québec's injunction application. By letter dated 22 April 2016, Québec informed TCPL that it would discontinue its injunction application on the understanding that TCPL would comply with one of the forms of environmental assessment under Québec's EQA. The CQDE has not yet announced whether it will continue in its injunction application (there is potentially a remaining dispute about the proper form of environmental assessment for EEP).

Québec's decision to not seek an injunction is the second such development in recent days. On 20 April 2016, the Alexander First Nation (AFN) and Pembina Pipeline Corporation (PPC) settled a judicial review that included an injunction application. The AFN applied for an injunction prohibiting Alberta's pipeline regulator from issuing any approvals in relation to PPC's impugned project. The AFN also wanted a declaration that the project was under federal rather than provincial jurisdiction. The settlement avoided judicial consideration of which level of government had jurisdiction over the impugned project.

Canada has not made any public declaration of its legal views, given the sensitivity of the matter.

Prepared by: Joseph McHattie, NRCan LSU	**Approved by: Andrew Saranchuk**
Date: April 28, 2016	**Date: May 3, 2016**

Advice to the Minister

CREDIT FOR PRE-SENTENCING CUSTODY

TOPIC: Possible legislative reforms to the credit for pre-sentence custody regime in the *Criminal Code*.

CONTEXT: This note discusses the potential ways forward on legislative reforms to the credit for pre-sentence custody regime.

PROPOSED RESPONSE:

- **I have been directed to conduct a broad review of the criminal justice system and sentencing reforms introduced over the past decade.**

- **Credit for pre-sentence custody is one area of sentencing law that has been identified for review and possible legislative reform.**

- **The Supreme Court of Canada, in *R v Safarzadeh-Markhali* (released on April 15, 2016) found that portions of the credit for pre-sentence custody regime are unconstitutional.**

- **I am aware of other appellate decisions, such as the decision of the Manitoba Court of Appeal in *R v Bittern*, which have found that other portions of this regime are also unconstitutional.**

- **It is important to consider the totality of these decisions before exploring potential legislative reform options.**

BACKGROUND:

Current Pre-sentence Custody Regime

In determining the sentence to be imposed on a person convicted, subsection 719(3) of the *Criminal Code* provides, as a general rule, that the Court shall limit any credit for pre-sentence custody to a maximum of one day for each day an offender has spent in pre-sentence custody.

Subsection 719(3.1) of the *Criminal Code* permits a court to award enhanced credit of up to 1.5 days for every day spent in pre-sentence custody if the circumstances justify it. However, enhanced credit is expressly not permitted in two situations: (1) where the offender was detained in custody primarily because of a previous conviction (previous conviction exception); or (2) where the offender was detained in custody because of a breach of bail conditions or because there are reasonable grounds to believe that the offender committed an indictable offence, while on bail (breach of bail exception).

Case law

On April 15, 2016, the Supreme Court of Canada rendered its decision in *R v Safarzadeh-Markhali* and found that: (1) proportionality in the sentencing process is not a principle of fundamental justice under section 7 of the *Charter*; (2) the previous conviction exception violates section 7 of the *Charter* for failing to comply with the established principles of fundamental justice protecting against an arbitrary, overbroad, or grossly disproportionate interference with the right to life, liberty, or security of the person; and, (3) the section 7 *Charter* violation is not justified under section 1.

The Manitoba Court of Appeal, in *R v Bittern* (heard on February 9, 2016), has found that the breach of bail exception violates section 7 of the *Charter* because the inability to obtain bail, which is more likely for vulnerable and impoverished offenders, is irrelevant to the determination of a fit and proportionate sentence. The provision cannot be saved as a reasonable limit under section 1. The Attorney General of Canada is not seeking leave to appeal this decision before the Supreme Court of Canada.

On April 11, 2014, the Supreme Court of Canada released its decisions in *R v Carvery* and *R v Summers*. These were not constitutional cases. Although the Court recognized that the general rule is 1 for 1 credit, it found that the scope of what may constitute "circumstances" justifying enhanced credit up to 1.5 for 1 is not limited by the legislation. As a result of these decisions, most offenders now receive enhanced credit for pre-sentencing custody.

The pre-sentencing regime will be assessed as part of the review of sentencing reforms enacted over the past decade.

Prepared by: Matthias Villetorte	**Approved by: Donald K. Piragoff**
Date: May 3, 2016	**Date:**

Pages 106 to / à 108
are withheld pursuant to section
sont retenues en vertu de l'article

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de la Loi sur l'accès à l'information

Advice to the Minister

SEEKING A NEW APPROACH TO THE RESOLUTION OF INDIGENOUS CHILDHOOD CLAIMS LITIGATION

TOPIC: Indigenous Childhood Claims Litigation

CONTEXT: The Government of Canada is exploring options for the resolution of historical Indigenous Childhood Claims that will contribute to reconciliation and build on the Government's commitment to a new nation-to-nation relationship.

PROPOSED RESPONSE:

- **Indigenous Childhood Claims are one of the most significant impediments to reconciliation with Canada's Indigenous peoples. The Truth and Reconciliation Commission has urged all parties to seek expedited means of resolving this litigation.**
- **Our government has signalled that it is committed to a different, more conciliatory approach to childhood claims, focusing on settlement, reconciliation, and healing.**
- **The overall objective is to resolve the claims of Indigenous people who were harmed while being educated or cared for as children. This is about dealing with the past in order to move forward.**
- **Indigenous and Northern Affairs Canada and the Department of Justice are working together to move forward on a new approach to resolution.**
- **Consistent with my mandate, Canada is committed to reviewing litigation strategies. For example, Canada is currently engaged in settlement discussions in the hope of resolving the *Anderson* class action.**

BACKGROUND:

The historical treatment of Indigenous children in a variety of education and care settings and the resulting harms have been an obstacle to improving the Crown-Indigenous relationship. The 2006 Indian Residential Schools Settlement Agreement (IRSSA) focused on resolution for former students of Indian Residential Schools only. It did not resolve, nor was it intended to resolve, all indigenous childhood claims. For example, the IRSSA did not include federal day school claims, claims for residential schools run by provinces or third party entities, claims relating to foster care and adoption ("sixties scoop"), or claims by day scholars for language and culture loss (Day scholars are day students who attended Indian Residential Schools but who did not reside at the schools. They were entitled to compensation for physical and sexual abuse through IRSSA but not to the common experience payment). Addressing these other indigenous childhood claims in a manner which incorporates both restitution and healing, is an essential element in support of the work of reconciliation and renewal of the relationship between Canada and Indigenous peoples.

s.21(1)(a)

s.23

Prepared by: Doug Kropp	**Approved by: Pam McCurry, ADM/AAP**
Date: May 2, 2016	**Date: May 5, 2016**

Webley, Tim

From: Baker, Christine
Sent: July-07-16 1:15 PM
To: Matte, Daniel
Subject: [redacted]

Attachments: [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

s.21(1)(a)
s.23

Christine Baker
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Assistant Deputy Minister's Office /
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From: Ministerial Liaison Unit
Sent: Friday, May 06, 2016 3:15 PM
To: Baker, Christine; Ward, Alannah
Cc: Legault, Yanike; Poliquin, Stéphanie; Ministerial Liaison Unit; Rousselle, Sonia; Diotte, Michelle; * MLU Group; Lafleur, Eric; Leclerc, Caroline; * MLU Group; Waters, Anne-Marie (CSC); Budgell, Alexandra; Matte, Daniel; Shuttle, Paul
Subject: [redacted]

Bonjour,

Please be advised that the above-referenced briefing note was approved by the Deputy Minister's office and submitted to the Minister's office today, May 6, 2016, **for information.**

Attached for your reference and file is the final e-versions.

Please do not hesitate to contact MLU at MLU-ULM@justice.gc.ca should you have any questions or concerns.

Merci,

Sophie Bonenfant
Coordination Officer | Agente de coordination
Ministerial Liaison Unit | Unité de liaison ministérielle
Department of Justice Canada | Ministère de la Justice Canada
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From: Ward, Alannah
Sent: May-04-16 4:11 PM
To: Ministerial Liaison Unit; * MLU Group
Cc: Baker, Christine; Budgell, Alexandra; Matte, Daniel; Shuttle, Paul
Subject: [redacted]

Good afternoon, s.21(1)(a) s.23

Please see attached the documents required for this request.

Please note that Annexes 1-3 are previous notes to the Minister and are not attached to this email as we assume you will include copies of the final versions.

If you have any questions about the annexes, please contact Alexandra Budgell.

Thank you,

Alannah Ward
Administrative Assistant | Adjointe administrative
Public Safety, Defence and Immigration Portfolio |
Portefeuille de la Sécurité publique, de la Défence et de l'Immigration
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From: Ministerial Liaison Unit
Sent: Wednesday, April 27, 2016 12:40 PM
To: Budgell, Alexandra; Baker, Christine
Cc: Ministerial Liaison Unit; * MLU Group
Subject: [redacted]

ACTION REQUEST / FICHE DE SERVICE

MLU # / # ULM	Due in MLU / Date limite	At / À
2016-009186	May 4, 2016	5:00 pm
Lead Sector / Secteur Responsable	**Consultation**	
PSDI		
Topic / Sujet		
[redacted]		

Request / Demande

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If this request should have been sent to a different sector, please reply to this email.

Veuillez noter que les notes d'information devraient se limiter à une ou deux pages, et toute information additionnelle devrait être jointe à la note en annexe. Les gabarits à utiliser se retrouvent sur le site intranet JUSnet. **Veuillez utiliser le # ULM mentionné ci-dessus,** et s'assurer que tous les champs de CCM sont adéquats et complétés en conséquence.

Veuillez transmettre la version électronique (jusqu'à Protégé B) de la note d'information à l'adresse MLU-ULM@justice.gc.ca, or "Ministerial Liaison Unit" dans la liste d'adresses globales. Si le matériel contient de l'information secrète ou confidence du cabinet, veuillez apporter les documents par clef USB au EMB 4262 ou 4228. N'hésitez pas à contacter l'ULM pour tout complément d'information à ce sujet.

Si cette demande aurait dû être envoyée à un différent secteur, s'il vous plaît répondez à ce courriel.

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s.21(1)(a)
s.23

Department of Justice Canada | Ministère de la Justice Canada

FOR INFORMATION

NUMÉRO DU DOSSIER/FILE #: 2016-009186

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B – Solicitor/Client Privilege

TITRE/TITLE: Administrative Segregation – Policy Development and Litigation

[redacted]

Pages 115 to / à 119
are withheld pursuant to sections
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of the Access to Information Act
de la Loi sur l'accès à l'information

Department of Justice Canada | Ministère de la Justice Canada

FOR INFORMATION
NUMÉRO DU DOSSIER/FILE #: 2016-009186
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Protected B – Solicitor/Client Privilege

TITRE/TITLE: Administrative Segregation – Policy Development and Litigation

[redacted]

Soumis par (secteur)/Submitted by (Sector): Public Safety Defence and Immigration

Responsable dans l'équipe du SM/Lead in the DM Team: Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by: Sarah McCulloch

s.21(1)(a)
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Soumis au CM/Submitted to MO: 6 May 2016

Department of Justice Canada | Ministère de la Justice Canada

s.21(1)(a)
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FOR INFORMATION

2016-009186

MEMORANDUM FOR THE MINISTER

Administrative Segregation – Policy Development and Litigation

[redacted]

Page 122

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est retenue en vertu des articles

21(1)(a), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

[redacted]

PREPARED BY
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[redacted]

Pages 124 to / à 232
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Speaking Notes for

The Honourable Jody Wilson-Raybould, PC, MP
Minister of Justice and Attorney General of Canada

For the
Appearance Before Committee to discuss the Main Estimates
2016-2017

Ottawa, ON: May 17, 2016

Check against delivery

1350 words, or 11.25 minutes based on 120 wpm

Thank you, Mr. Chairman.

I am pleased to appear before the members of the Committee to answer questions regarding the items in the 2016-2017 Main Estimates, and to acknowledge the territory of the Algonquin people.

Joining me today are William Pentney, Deputy Minister of Justice and Deputy Attorney General; Pierre Legault, Associate Deputy Minister; Carol Morency, Director General and Senior General Counsel from Policy Sector; and Eric Trépanier, Director General and Deputy Chief Financial Officer.

This past March, Deputy Minister Pentney attended a meeting of this very committee to discuss the Supplementary Estimates (C). I understand that during that meeting he gave an overview of the history, mandate, and work of the Department of Justice.

Given that you now are already familiar with the business lines of the Department, today I would like to talk to you about what I hope to accomplish in my new role, and my vision of how the Department of Justice will help contribute to the vision of an improved justice system with the funds presented in these 2016-2017 Main Estimates.

Through the 2016-17 Main Estimates, the Department requested a total budgetary authority of $678.9 million. This represents an increase of $4.99 million from the 2015–16 Main Estimates. Of this total authority, $400.5 million will be dedicated to ensuring a fair, relevant and accessible Canadian justice system – one of the Department's strategic outcomes. Most of this funding is directed to provinces and territories in support of the stewardship of the Canadian legal framework.

In addition, as the primary legal services provider for the government, the Department is seeking $199.6 million to continue to effectively support government programs.

Mr. Chairman, one of my primary roles is to ensure that there is respect for the rule of law and that the Charter of Rights and Freedoms is upheld. This was key in my mandate letter from the Prime Minister.

Mr. Chairman, equally important to me is ensuring that all Canadians have access to a fair, modern and efficient justice system. On March 21, the government revealed its spending plan for 2016-2017, which contains measures that will help Canadians assert their rights and provide disadvantaged Canadians access to our justice system.

To accomplish this, Budget 2016 proposes to provide an additional $4 million per year for the Aboriginal Courtworker Program, which assists Indigenous peoples moving through the criminal justice system to better understand their rights and the nature of the charges against them. It also helps those involved in administering the criminal justice system to overcome language and cultural barriers when dealing with Indigenous people and to better appreciate the socio-economic circumstances that they face.

In addition, the government plans to reinstate the Court Challenges Program and provide $12 million over five years in financial assistance for individuals and groups who wish to clarify their language and equality rights in Canada's courts. When combined with existing federal investments, total funding would be $5 million annually.

Budget 2016 also provides $88 million over five years to increase funding in support of the provision of criminal legal aid in Canada, as well as $7.9 million over five years to the Courts Administration Service to invest in information technology infrastructure upgrades to safeguard the efficiency of the federal court system.

Mr. Chairman, improving partnerships with provincial, territorial, and municipal governments, as stated in my mandate letter, is "essential to deliver the real, positive change that we promised Canadians."

To that end, I met my provincial and territorial justice and public safety colleagues earlier this year, in January. I believe that that meeting has allowed us to establish the partnerships we will draw on over the coming months and years, in order to create meaningful differences in the lives of Canadians.

Canada's continued success absolutely depends on including multiple voices as we re-evaluate our approach to important legislative matters such as marijuana legalization and regulation, reforming our criminal justice system, and most recently, legislation to ensure that dying patients, who are suffering intolerably from a serious medical condition, would have the choice of a medically-assisted death.

This work requires a true partnership between the federal government and the provinces and territories, which can only be achieved by sitting down together and engaging in an open and continuous dialogue, sharing our knowledge and bringing a range of perspectives to the table.

However, perhaps the most challenging but most necessary area we need to focus on is rebuilding the nation-to-nation relationship that lies at the heart of Canada. The importance of this relationship to me and to this nation cannot be overstated.

As you know, this is a priority for this government, and we are working to find long-term solutions, in full partnership with Indigenous peoples, as we develop a new framework for reconciliation based on recognition and respect.

Mr. Chairman, in Canada, there is an unacceptable overrepresentation of Indigenous women and girls who go missing, or who become victims of violence. In line with our commitment to launch a national inquiry into this matter, Budget 2016 would allocate $40 million over two years to support this important work.

Along with working with my colleagues on this inquiry, the Department of Justice, through its Main Estimates allocations for 2016-2017, will be allocating $1.98 million to the Government's Action Plan to Address Family Violence and Violent Crimes Against Indigenous Women and Girls, as stated in the Main Estimates.

By providing important support for projects to break cycles of violence, and for culturally responsive victim services, this program will help make Canada more just and inclusive for Indigenous people.

Mr. Chairman, as the steward of the Canadian justice system, I take my responsibilities and accountabilities in this role very seriously. As a government we have begun to re-examine what we do, why we do it and how we can measure success. We are identifying what is working, what is not working, and how we can best change it.

The government intends to work in an open and transparent way with all its partners, to create an environment that will position us to achieve the best possible solutions on these and other issues that affect the lives of all Canadians. For example, as mentioned in Budget 2016, there are plans for consultations on a framework for the legalization of marijuana, with special emphasis on how to keep marijuana out of the hands of children and youth.

Mr. Chairman, my mandate letter also tasks me to review Canada's litigation strategy. As part of this review, I have already either discontinued appeals or I am reconsidering the Crown's position in many cases. This will ensure that the Government's litigation positions are evidence- and principle-based, as well as consistent with the Charter, our commitments, and our values as Canadians.

Mr. Chairman, to return to the subject of the 2016-2017 Main Estimates, this funding will help our Department continue to provide the funding to programs such as the Victims Fund, the Youth Justice Fund and the Aboriginal Justice Strategy that fulfill our mandate to ensure a fair and accessible justice system for all Canadians.

Finally, the Department of Justice is investigating ways to be more efficient. That includes constantly reviewing the effectiveness of our own business practices and systems. I am pleased to report today that through our ongoing legal services review, we have decreased our budgetary request this year by $3.36 million.

Mr. Chairman, as I said earlier, I am truly honoured to be the Minister of Justice and the Attorney General of Canada at this incredibly important period in our history, and to do my part to give back to Canada through public service.

By continuing to report on our progress and to demonstrate openness and transparency in this matter and others, my Department is helping to contribute to improving our justice system. We believe this will lead to better collaboration, better government, and greater success for Canada and Canadians.

To conclude, I would like to thank you and your committee members for your important work, and for this opportunity to make these opening remarks.

Gilakas'la. Thank you. I now look forward to taking your questions.

-30-

Webley, Tim

From: Baker, Christine
Sent: July-11-16 2:35 PM
To: Matte, Daniel
Subject: [redacted]

Attachments:

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s.21(1)(a)
s.23

From: Ministerial Liaison Unit
Sent: Wednesday, May 18, 2016 4:34 PM
To: Budgell, Alexandra; Baker, Christine; Matte, Daniel; Ward, Alannah
Cc: Waters, Anne-Marie (CSC); * MLU Group; Diotte, Michelle; Garskey, Adam; Lafleur, Eric; Leclerc, Caroline; Legault, Yanike; Ministerial Liaison Unit; Patry, Claudine; Poliquin, Stéphanie; Rousselle, Sonia; Taschereau, Alexia
Subject: [redacted]

Bonjour,

Please be advised that the above-referenced briefing note was approved by the Deputy Minister's office and submitted to the Minister's office on May 18, 2016, **for information.**

Attached for your reference and file is the final e-versions.

Please do not hesitate to contact MLU at MLU-ULM@justice.gc.ca should you have any questions or concerns.

Kindly,

Isabelle Ethier
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s.18(b)
s.21(1)(a)
s.23

FOR INFORMATION
NUMÉRO DU DOSSIER/FILE #: 2016-011328
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: Solicitor-Client Privilege

[redacted]

Soumis par (secteur)/Submitted by (Sector): Public Safety, Defence and Immigration

Responsable dans l'équipe du SM/Lead in the DM Team: Caroline Leclerc

Revue dans l'ULM par/Edited in the MLU by: Sarah McCulloch

Soumis au CM/Submitted to MO: 18 May 2016

Department of Justice Canada | Ministère de la Justice Canada

s.18(b)
s.21(1)(a)
s.23

Solicitor-Client Privilege
FOR INFORMATION

2016-011328

MEMORANDUM FOR THE MINISTER

[redacted]

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18(b), 21(1)(a), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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s.18(b)
s.21(1)(a)
s.23

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Pages 252 to / à 262
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21(1)(a), 23

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Department of Justice Canada | Ministère de la Justice Canada

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s.23

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Pages 340 to / à 341
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Department of Justice Canada | Ministère de la Justice Canada

went to DMO Jan 19/16 by Geoff Bichet. —

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